

E-filed 7/12/07

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5 | Counsel for Defendant BADILLO-PINEDA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR 07-00341 JF
v.)
Plaintiff,) **STIPULATION TO CONTINUE
STATUS HEARING DATE;
[PROPOSED] ORDER**
JAVIER BADILLO-PINEDA,)
Defendant.)

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing date in the above-captioned matter, presently scheduled for Thursday, July 12, 2007, at 9:00a.m., be continued to Wednesday, July 25, 2007, at 9:00a.m. The parties request a continuance due to ongoing defense investigation and preparation.

The parties further agree and stipulate that time should be excluded from and including July 12, 2007 through and including July 25, 2007, to provide counsel reasonable time to prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv). Accordingly, the United States and the defendant agree that granting the requested exclusion of time will serve the interest of justice and outweigh the interest of the public and defendant in a speedy trial.

STIPULATION TO CONTINUE HEARING;
[PROPOSED] ORDER
No. CR 07-00341 JF

1 Dated:07/11/2007

2 /s/
3 NICHOLAS P. HUMY
4 Assistant Federal Public Defender

5 Dated:07/11/2007

6 /s/
7 BENJAMIN KENNEDY
8 Assistant United States Attorney

9 **ORDER**

10 The parties have jointly requested a continuance of the hearing set for July 12, 2007 due
11 to ongoing defense investigation and preparation.

12 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
13 presently set for July 12, 2007 be continued to July 25, 2007 at 9:00a.m as well as the period of
14 delay from July 12, 2007, to and including July 25, 2007, be excluded for purposes of Speedy
15 Trial Act computations pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and
16 3161(h)(8)(B)(iv).

17 Dated: 7/12/07

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19 JEREMY FOBEL
20 United States District Judge

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